

API-0002

REMARKS

Claims 1, 2, 13-14, 17, 20-21, 55, 81, 87, and 91-92 are pending in the present application. Claims 3-12, 15-16, 18-19, 22-54, 56-80, 82-86, and 88-90 have been canceled, (of the canceled claims, Claims 3-5, 8, 11-12, 15-16, 19, 22-39, 68-70, 83-86 and 88-90 were canceled in the previous amendment), Claims 1, 2, 13-14, 17, 20-21, 55, 81, and 87, have been amended, and Claims 91-92 have been added.

No new matter has been introduced by these amendments.

Election/ Restriction Requirement

Applicants affirm the provisional election of Group I. The examiner has stated in the written office action that A₂ is this group represents structure (ii) or (v) however Applicants have confirmed by telephone conversation with the Examiner that the Examiner intended for A₂ to represent structure (iii) or (vi) as groups encompass the elected compound, cmp. 142 on page 102. Applicants respectfully request that the Group I include structures (ii), (iii), (v), (vi) and (xiii). These groups (ii) and (v) have one less methylene than the structures selected the Examiner and group (xiii) has one more methylene group. No additional searching burden is posed by the inclusion of these groups.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, 6, 9, 10, 13, 14, 17, 18, 20, 21, 57, 65-67, 71, 72, 81 and 82 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Rasmussen (Synthesis).

Claims 1, 2, 6, 9, 10, 13, 14, 17, 18, 20, 21, 57, 65-67, 71, 72, 81 and 82 are rejected under 35 U.S.C. § 102(b), as being anticipated by Chou (U.S. Patent No. 4,638,088).

Claims 1, 2, 6, 9, 10, 13, 14, 17, 18, 20, 21, 57, 65-67, 71, 72, 81 and 82 are rejected under 35 U.S.C. § 102(b), as being anticipated by Brouwer (U.S. Patent No. 4,350,706)

Claims 1, 2, 6, 9, 10, 13, 14, 17, 18, 20, 21, 57, 65-67, 71, 72, 81 and 82 are objected as containing non-elected subject matter.

Applicants have amended Claims 1, 2, 13-14, 17, 20-21, 55, and 81 to read on pharmaceutical compositions containing a compound of Formula 1. Pharmaceutical compositions are not recited or suggested by the references cited by the Examiner.

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Claim 87, directed to a method of treatment has been amended to independent form. Non-elected subject matter has been deleted from this claim.

New Claims

Claims 91-92 have been added to further claim the invention.

Antecedent basis for claims 91 is found at least page 50-51.

Antecedent basis for claims 92 is found at least at page 63, paragraph 256. The compounds of claim 91 are substituted on the phenyl group shown in the claimed structure by 1 to 3 R₁₈ substituents, where R₁₈ is hydroxy, cyano, amino, nitro, C₁-C₄alkyl, C₁-C₄alkoxy, mono- and di-(C₁-C₄alkyl)amino, C₁-C₂haloalkyl, C₁-C₂haloalkoxy, and phenyl. Such substituents at this position are not taught or suggested by the references cited by the Examiner.


It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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By


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